

REMARKS/ARGUMENTS

This paper is submitted in response to the Office Action dated May 5, 2006. At that time, claims 8-16 and 21-23 were pending in the application. In the Office Action, claim 8 and 22 were rejected under 35 U.S.C. § 112, 1st paragraph. Claims 8 and 22 were rejected under 35 U.S.C. § 112, 2nd paragraph. Claims 8-13, 15, 16 and 21-23 were rejected under 35 U.S.C. § 102(e). Claim 14 was rejected under 35 U.S.C. § 103(a). As a result of this paper, claim 8 has been amended and claims 21-22 have been canceled. In light of these changes, and the present remarks, allowance of the claims is respectfully requested.

Rejection of Claims 8-13, 15, 16 and 21-23 Under 35 U.S.C. § 102(e)

In the Office Action, claims 8-13, 15, 16, and 21-23 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,314,565 issued to Kenner et al. (hereinafter “Kenner”). As a result of this paper, claim 21 has been canceled. However, with respect to the remaining claims, Applicants respectfully traverse this rejection.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131 (*citing Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Id.* (*citing Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” *In re Paulsen*, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully submit that the claims at issue are patentably distinct from Kenner because it does not disclose all of the elements in these claims. Specifically, independent claim 8 has been amended to recite that “the configuration file defines a program that comprises one or more media files and priority and timing information for the one or more media files, and wherein playing the multimedia content comprises playing the one or more media files according to the priority and timing information.” The “configuration file” taught by Kenner does not satisfy this claim element. Specifically, Kenner’s “configuration file” is a file that “contains a list of multimedia software and upgrades located at various sites on the Internet.” Col. 4, lines

46-50. Accordingly, if an update to this software is needed, such as to play a multimedia file, then the computer in Kenner updates this software by accessing the Internet. *See id.* In other words, this “configuration file” is simply a list of programs/applications on the computer, as well as a means for obtaining updates to these programs that may be installed.

As explained in the claim 8 (as well as the specification page 28, line 20 through page 34, line 9), the “configuration file” in the present embodiments is distinct. This “configuration file” is not a list of updates or programs; rather, this configuration file is content that may be played on the device. This content is “one or more media files and priority and timing information for the one or more media files, and wherein playing the multimedia content comprises playing the one or more media files according to the priority and timing information.” Contrary to the Examiner’s assertions, Kenner Col. 7, lines 17-46 also fails to teach this claim element. There is nothing in this cited passage which discusses multimedia content or timing and priority information that governs the order of play. In other words, this portion of Kenner (or any other portion of Kenner for that matter) does not teach a system in which the multimedia content is played according to the priority/timing guidelines provided; rather, Kenner discusses how to update a program file and has nothing to say about priority or timing of display.

Simply put, Kenner simply teaches a “configuration file” that contains a list of files that may be updated, and does not discuss or disclose a configuration file of the present embodiment which requires that multimedia *content* (not software) be played in accordance with timing and priority instructions. As this claim element is not taught or disclosed, there can be no finding of anticipation. Withdrawal of the present rejection is respectfully requested.

Claims 9-13, 15, 16, and 22-23 depend, either directly or indirectly, from independent claim 8. Accordingly, these dependent claims are patentable for the same reasons that claim 8 is patentable. Withdrawal of this rejection is respectfully requested.

Rejection of Claim 14 is Rejected Under 35 U.S.C. § 103(a)

Claim 14 was rejected under § 103(a) as being unpatentable over Kenner in view of U.S. Patent No. 6,960,963. However, claim 14 depends from claim 8. Accordingly, as claim 14 is patentable over the prior art documents, then claim 14 is similarly patentable. Withdrawal of this rejection is respectfully requested.

Rejections of Claims 8 and 22 Under 35 U.S.C. § 112

The Office Action rejections claim 8 and 22 under § 112, 2nd paragraph as being indefinite. The basis for this indefiniteness rejection is that the “amended language in claim 8 such as ‘from the server, wherein the autonomous multimedia computing device does not receive updates from other autonomous multimedia computing devices’ and claim language of the newly added claim 22 are not supported in the specification.”


The Office Action rejects claims 8 and 22 under § 112, 1st paragraph as failing to comply with the enablement requirement because the claims contain subject matter which was not described in the specification. The Office Action does not expressly list, under this section, what claim language is not found in the specification. It is believed that the Examiner is objecting to the same claim language listed above in this rejection as was recited above in conjunction with the rejection under § 112, 2nd paragraph

In response to this rejection, claim 22 has been canceled. Similarly, the relevant language from claim 8 has been deleted. Favorable consideration is respectfully requested.

Conclusion

Applicants respectfully request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,


Craig J. Madson
Reg. No. 29,407
Attorney for Applicant(s)

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MADSON & AUSTIN
Gateway Tower West
15 West South Temple, Suite 900
Salt Lake City, Utah 84101
Telephone: 801/537-1700